



Guidance

Form B

This Form must be used in connection with an application to the Secretary of State for Energy Security and Net Zero (ESNZ) for consent under section 37 of the Electricity Act 1989 to install and keep installed above ground an electric line of any voltage.

This Form should be sent to each local planning authority in whose area the proposed development would be situated. The views obtained by means of this Form are then to be submitted to the Secretary of State to help inform the decision making process on the application.

The local planning authority¹ is required to sign and complete all sections of Part Two and Part Three and to return this form to the Applicant **within two months**². Please note that the Secretary of State would not progress a section 37 application in the absence of a completed Form B. Additional information describing this procedure and the reason for it can be found in the published [Guidance Note 14D/226](#).

Appendix A

If the section 37 application is for a development as referred to under [Schedule 2 of the Electricity Works \(Environmental Impact Assessment\) \(England and Wales\) Regulations 2017](#) (the 2017 Regulations) (i.e. the proposal is within a sensitive area³ or the voltage is of 132kV or more), the Secretary of State will be required to make a Screening Decision before the section 37 application can be decided. To inform its decision, the Secretary of State must receive the views of the Local Planning Authority. To this effect:

- The applicant should submit to the Local Planning Authority the additional information referred to under [Regulation 12](#) of the 2017 Regulations, and
- The Local Planning Authority should provide their views by completing Appendix A⁴.

¹ Please note: if the development falls partially within a National Park, a Form B must be completed by each relevant planning authority for that area. If the proposal concerns a line of 132kV or more, the Part One, Certificate of the Form B must also be completed by the County Council.

² The relevant planning authority is obliged to make its representations to the Secretary of State on the proposal within a statutory two month period or obtain an extension to the time limit from the Secretary of State and as agreed with the Applicant as per [Regulation 8 of the Electricity \(Applications for Consent\) Regulations 1990](#).

³ The full list of sensitive areas is in legislation at <https://www.legislation.gov.uk/ukxi/2017/580/schedule/2/made>

⁴ Appendix A enables the local planning authority to give its views under [regulation 13\(3\)](#) of the 2017 Regulations.



Form B - Part One

To be completed by the Applicant

Name	Jessica Bates
Company	National Grid Electricity Distribution
Applicant's Reference	CW52253 Bagworth Road 3792584

PARTICULARS OF PROPOSED DEVELOPMENT

Application is being made to the Secretary of State for Energy Security and Net Zero:

- a) for consent under section 37 of the Electricity Act 1989 to install or keep installed an electric line above ground;
- b) for a direction under section 90(2) of the Town and Country Planning Act 1990 that planning permission for the proposed development be deemed to be granted.

1. Description of the proposed development⁵.

RWE Renewables has applied for a 49.9MW Solar Farm at Bagworth Road, Newbold Verdon, Leicestershire, LE9 9NB (Planning reference: 21/01395/FUL). In order to accommodate a connection, it is proposed to dismantle existing tower AP09 and construct replacement tower AP09R new gantrys where short lengths of cable will be installed down to the bottom of the gantrys to serve as a point of connection..

2. Details of any representations or objections which have been received by the applicant prior to the submission of this form⁶.

Consultations have been issued to the Local Planning Authority, County Council and Natural England. No responses have yet been received.

3. Details of the Applicant's compliance with their duty as specified under [paragraph 1\(1\)\(a\)\(b\) of Schedule 9 to the Electricity Act 1989](#)⁷.

This section of overhead line has been designed to minimise any environmental impact and complies with National Grid Electricity Distribution's duty under the above act. In formulating these proposals NGED has had regard to the desirability of Preservation and Conservation and has done what it believes it reasonably can to mitigate any affect which its proposals would have on the natural beauty of the countryside or any fauna, flora, features, sites, buildings or objects.

For and on behalf of the applicant:

Date: 07/05/2024

Signed: Jessica Bates

⁵ In this section the Applicant should include the link to the Energy Portal application which will contain the necessary information to enable the LPA to provide their views on the proposal.

⁶ In this section the Applicant should list any consultations and representations received prior to consulting the LPA. These consultations should be made available for review by the LPA on the Energy Portal.

⁷ In this section the Applicant can indicate the sections or documents within the Energy Portal application that include the measures to comply with this requirement.



Form B - Part Two

To be completed by the Local Planning Authority

CERTIFICATE

The local planning authority: Hinckley and Bosworth

have no objection to make to the development described above in Part One of this Form;

do not request that a public inquiry be held pursuant to paragraph 2 of Schedule 8 to the Electricity Act 1989 before the Secretary of State reaches his decision on the application.

Dated 09/07/2024

Signed: S.Sarfo

Designation: Planning Officer

On behalf of the: Hinckley and Bosworth

If the Local Planning Authority objects to the development, please provide details below:



Form B - Part Three

To be completed by the Local Planning Authority

CONSULTATIONS AND OBSERVATIONS

LPA Planning Reference

24/00446/OHL

1. List the names of interested parties consulted by the local planning authority and provide particulars of any comments received⁸.

HBBC Environmental Services

Barlestone Parish Council

LCC Ecology

LCC Public right of Way

Environment Agency

Natural England

2. Provide details of any objections or representations received by the local planning authority.

HBBC Environment Services: No comment

Barlestone Parish council: No comment

LCC Ecology: The ecology survey in April and May this year found the only likely potential constraints to be nesting birds-on the ground within the substation area and within a section of hedgerow requiring removal. No skylarks were present within the substation plot this year as the ground (recently ploughed) was unsuitable for them. If works commence this year no further surveys or mitigation is necessary, however, if ground works are likely to commence in spring 2025, another check for skylarks will be required. I would advise a condition requiring a prior check for skylarks by a suitable qualified ecologist prior to the commencement of works if they will start between April-August inclusive.

LCC Public Right of Way: No Comment

Environment Agency: No comment

Natural England: No comment

3. Are there any restrictions on the land that require the Applicant to obtain approval from other organisations⁹?

Yes ☐ No ☒

If yes, please provide details below:

4. Is the local planning authority's agreement to the proposal subject to modifications or conditions being applied to the consent? (If so, specify the modifications or conditions proposed and state whether

⁸ Please note if the proposal falls within a [SSSI Risk Zone](#) the local planning authority should consult with the relevant statutory conservation body to seek guidance on any necessary mitigation.

⁹ e.g. consent under [Section 38 of the Commons Act 2006](#).



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they are acceptable to the Applicant).

Modifications/conditions required - please give details below

If ground work commence in spring 2025, another check for skylarks will be required. A condition require a prior check for skylarks by a suitable qualified ecologist prior to the commencement of works if they will start between April-August inclusive.

5. Does the local planning authority consider that the proposal is an [EIA development](#) and should be subject to an [Environmental Impact Assessment](#)? (Please note: if the development falls under [Schedule 2](#) of the 2017 Regulation, the Secretary of State must receive¹⁰ the local planning authority's views in order to make its EIA Screening Decision and therefore **Appendix A** must be completed.

No, the proposal is not a Schedule 2 development nor an EIA development

Date 09/07/2024

Signed: S.Sarfo

Appendix A

LOCAL PLANNING AUTHORITY'S VIEWS

The LPA should consider if the Applicant has submitted sufficient information to determine whether or not the proposal is an EIA development. Please note that the Applicant must take into account the relevant criteria set out in [Schedule 3](#) when compiling the required information.

Has the Applicant provided the following information?	
1. a description of the physical characteristics of the whole development and, where relevant, of demolition works	Yes ☐ No ☐
2. a description of the location of the development, with regard to the environmental sensitivity of geographical areas likely to be affected	Yes ☐ No ☐
3. a description of the aspects of the environment likely to be significantly affected by the development	Yes ☐ No ☐
4. a description of any likely significant effects resulting from:	
a. the expected residues and emissions and the production of waste	Yes ☐ No ☐
b. the use of natural resources, in particular soil, land, water and biodiversity	Yes ☐ No ☐

The LPA should provide their views in the comments section in the next page taking account of the below factors where relevant to the proposal and tick the relevant boxes for confirmation.

Characteristics of development		Select all relevant factors
(a)	the size and design of the whole development	☐
(b)	cumulation with other existing and approved developments;	☐
(c)	the use of natural resources, in particular land, soil, water and biodiversity;	☐
(d)	the production of waste;	☐
(e)	pollution and nuisances;	☐
(f)	the risk of major accidents and disasters that are relevant to the development, including those caused by climate change, in accordance with scientific knowledge;	☐
(g)	the risks to human health (for example, due to water contamination or air pollution).	☐
Location of development		Select all relevant factors

¹⁰ [Regulation 13](#) of the 2017 Regulations sets out the legal requirement for this consultation.



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(a)	the existing and approved land use;	☐
(b)	the relative abundance, availability, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground;	☐
(c)	the absorption capacity of the natural environment, paying particular attention to the following areas—	☐
(i)	wetlands, riparian areas and river mouths;	☐
(ii)	coastal zones and the marine environment;	☐
(iii)	mountain and forest areas;	☐
(iv)	nature reserves and parks;	☐
(v)	areas classified or protected under domestic legislation or legislation of EEA states;	☐
(vi)	European sites (as defined in regulation 8(1) of the Conservation of Habitats and Species Regulations 2017);	☐
(vii)	areas in which there has already been a failure to meet environmental quality standards that are set out in European Union legislation and are relevant to the development, or in which it is thought that there is such a failure;	☐
(viii)	densely-populated areas;	☐
(ix)	landscapes and sites of historical, cultural or archaeological significance.	☐
	Type and characteristics of potential impact	Select all relevant factors
(a)	the magnitude and spatial extent of the impact (for example, geographical area and size of the population likely to be affected);	☐
(b)	the nature of the impact;	☐
(c)	the transboundary nature of the impact;	☐
(d)	the intensity and complexity of the impact;	☐
(e)	the probability of the impact;	☐
(f)	the expected onset, duration, frequency and reversibility of the impact;	☐
(g)	the cumulation of the impact with the impact of other existing and approved developments;	☐
(h)	the possibility of effectively reducing the impact.	☐

The LPA should provide their views below and give reasons for their conclusion as to whether the proposal is an EIA development or not.



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Dated Click or tap to enter a date.

Signed: Click or tap here to enter text.

Designation:

On behalf of the: